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7 SALES, INC., BANANA REPUBLIC, LLC, and OLD NAVY,
LLC
8

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN FRANCISCO DIVISION
12

13 ROOTS READY MADE GARMENTS CO.
W.L.L.,

14 Plaintiff,

15 v.

16 THE GAP, INC., a/k/a, GAP, INC., GAP
17 INTERNATIONAL SALES, INC., BANANA
REPUBLIC, LLC, AND OLD NAVY, LLC

18 Defendants.
19

No. C 07-03363 CRB

**DECLARATION OF DARALYN J. DURIE
IN SUPPORT OF GAP'S REPLY TO
PLAINTIFF'S OPPOSITION TO
MOTION FOR PROTECTIVE ORDER**

Date: October 19, 2007

Time: 10:00 a.m.

Dept: 8

Judge: Honorable Charles R. Breyer

1 I, DARALYN J. DURIE, declare and say that:

2 1. I am an attorney licensed to practice law in the State of California and before this
3 Court and am a partner of Keker & Van Nest, LLP, counsel for defendants The Gap, Inc., a/k/a,
4 Gap, Inc., Gap International Sales, Inc., Banana Republic, LLC, and Old Navy, LLC
5 (collectively "Gap").

6 2. I have knowledge of the facts set forth herein, and if called to testify as a witness
7 thereto, could do so competently under oath.

8 3. On September 12, 2007 I attended the deposition of Amin El Sokary in the
9 *Gabana v. Gap* matter. Roots lawyer, Robert Haney, appeared at the deposition intending to
10 question Mr. El Sokary on Roots' behalf. I made a statement on the record that I objected to the
11 presence of Roots' counsel at the deposition and that it was my understanding that the deposition
12 was being taken only for the purposes of the *Gabana v. Gap* litigation. After the conclusion of
13 Mr. El Sokary's deposition in the *Gabana* case, I left the deposition. Upon information and
14 belief, Roots lawyer Robert Haney then proceeded to question Mr. El Sokary on Roots' behalf.

15 4. Attached hereto as **Exhibit A** is a true and correct copy of the relevant excerpts of
16 the Reporter's Transcript of Proceedings on August 24, 2007.

17 5. Attached hereto as **Exhibit B** is a true and correct copy of the relevant excerpts of
18 the transcript of the deposition of Amin El Sokary, dated September 12, 2007, taken in the
19 *Gabana v. Gap* matter.

20 6. Attached hereto as **Exhibit C** is a true and correct copy of the transcript of the
21 deposition of Amin El Sokary, dated September 12, 2007, taken by Roots in violation of this
22 Court's August 24, 2007 ruling.

23 I declare under penalty of perjury under the laws of the State of California that the
24 foregoing is true and correct and that this declaration was executed on October 5, 2007 in San
25 Francisco, California.

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/s/ Daralyn J. Durie
DARALYN J. DURIE